

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CRIMINAL DOCKET NO. 5:10cr61-RLV**

UNITED STATES OF AMERICA )  
vs. )  
JESUS VIDAL SANTILLAN, )  
Defendant. )

## SCHEDULING ORDER

**THIS MATTER** is before the Court on the Court's Order, filed on October 4, 2013<sup>1</sup>, ordering this matter for resentencing.

**IT IS, THEREFORE, ORDERED THAT:**

- 1) This matter is hereby scheduled for re-sentencing on **Monday, December 2, 2013, at 10:00 AM**, in the United States Courthouse, 200 West Broad Street, 2<sup>nd</sup> floor Courtroom, Statesville, North Carolina; and
- 2) A copy of this Order shall be sent to the Defendant, Defense Counsel, United States Attorney, United States Marshal Service, United States Probation Office.

<sup>1</sup> The Defendant received a crime-of-violence enhancement under the illegal reentry guidelines based on a prior Texas conviction for aggravated assault. The Defendant objected to the enhancement, contending the Texas statute was overly broad and, therefore, should not trigger the enhancement. The Government opposed the Defendant's objection, and Judge Richard Voorhees applied the enhancement. Thus, using the Taylor/Shepard analysis, the Government filed a Motion To Remand and The Fourth Circuit granted the Motion.

Signed: October 17, 2013

*Franklin D. Roosevelt*

Richard L. Voorhees  
United States District Judge

